

SIP Timeline

This document is from Chapter 1 of “**The On-line State Implementation Plan Processing Manual**”. EPA’s On-Line SIP Processing Manual is available on the internet at <http://icode.trintegral.net/sipman/index.cfm> through a guest login.

Draft SIP Revision (proposed strategy/regulation and technical support document) submitted by State for initial EPA comment.

State modifies SIP package in accordance with EPA comment

State holds Public Hearing

EPA may present testimony at Public Hearing

EPA submits official comments during public comment period

State responds to public and EPA comments and modifies SIP

Official state submittal of SIP package (regulations, technical support, public participation, response to public comment) to EPA Regional Office

(1) EPA has forty-five days to determine submitted motor vehicle emission budget(s) is/are adequate for conformity, if SIP package includes such a budget.

(2) EPA has six months from submittal to perform a SIP completeness determination. In the absence of a completeness/incompleteness letter from EPA the SIP package is automatically presumed to be complete after six months.

EPA prepares Notice of Proposed Rulemaking

There is a minimum 30 days public comment period associated with most proposed rulemaking notices

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EPA prepares a final rulemaking action to respond to public comment and modifies EPA action accordingly.

There is a minimum 30 day period before EPA's final rulemaking action becomes effective.

Draft SIP revisions:

Many times a state will submit a document intended as a SIP revision in draft form to EPA for a preliminary review. This review may occur prior to the state's official notice of a public hearing. If the state wishes to receive EPA's comments before the state's public notice and incorporate EPA's comments early on in the process, then, it is imperative for EPA to send comments to the state on the draft SIP revision as soon as possible after receipt of the draft. These comments reflect official regional position and depending on Regional Office procedures may require Regional Counsel concurrence and/or high level sign-off.

State notice of a SIP public hearing:

In the cases that the state does not send a draft SIP revision before notification of a public hearing, EPA must prepare comments that will go into the public record. EPA should prepare comments on the proposed revisions and either testify at the hearing and submit comments, or submit comments during the state's public comment period.

Submittal of a SIP revision:

Once a State or a tribe has formally submitted a SIP revision request, the EPA regional offices begin a formal review process consisting of procedures prescribed in the Clean Air Act and various provisions of 40 CFR. The following chapters of this manual describe the below-listed procedures in greater detail:

- Chapter I - Completeness and Adequacy Reviews
- Chapter II - EPA Evaluation Criteria
- Chapter VI - EPA Decision Options (includes final decision options, rule process options, and review criteria which apply to **all** Federal rulemaking actions)
- Chapters III and VII - Additional review procedures for certain formal SIP actions, depending on the subject matter or type of Agency decision
- Chapters VIII and IX - Procedures for preparing the formal Federal Register documents, depending on which part within 40 CFR is to be revised
- Chapter XI - Procedures for mailing out the completed Federal Register rulemaking package from the Regional Office to Headquarters and the Office of the Federal Register
- Chapter XIII - Additional procedures which apply specifically to tribal

implementation plan submittals

Letter Notice:

Under the letter notice procedure, EPA sends a letter to the affected states and parties rather than a notice-and-comment rulemaking to approve truly insignificant SIP actions. No notice will be published in the Federal Register prior to sending final letter notice approvals to the state and affected parties. The letter to the state will be EPA's final action approving such minor SIP revisions. The Agency will periodically publish a summary list of all letter notice actions in the Federal Register to keep the general public informed of SIP matters. The effective date of the letter notice approvals will be the date of the letter to the state, not the date of the subsequent summary Federal Register notice. Letter notices approvals will, however, remain subject to the potential judicial review until sixty days after the date of the summary Federal Register notice.

Categories of SIP action appropriate for letter notice include: recodification involving no substantive changes; minor technical amendments; typographical corrections; address changes; and similar non-substantive matters.

Section 110 (k) Environmental Protection Agency Action on Plan Submissions.

(1) Completeness of plan submissions. (A) Completeness criteria. Within 9 months after the date of the enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate minimum criteria that any plan submission must meet before the Administrator is required to act on such submission under this subsection. The criteria shall be limited to the information necessary to enable the Administrator to determine whether the plan submission complies with the provisions of this Act. (B) Completeness finding. Within 60 days of the Administrator's receipt of a plan or plan revision, but no later than 6 months after the date, if any, by which a State is required to submit the plan or revision, the Administrator shall determine whether the minimum criteria established pursuant to subparagraph (A) have been met. Any plan or plan revision that a State submits to the Administrator, and that has not been determined by the Administrator (by the date 6 months after receipt of the submission) to have failed to meet the minimum criteria established pursuant to subparagraph (A), shall on that date be deemed by operation of law to meet such minimum criteria. (C) Effect of finding of incompleteness. Where the Administrator determines that a plan submission (or part thereof) does not meet the minimum criteria established pursuant to subparagraph (A), the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof).

(2) Deadline for action. Within 12 months of a determination by the Administrator (or a determination deemed by operation of law) under paragraph (1) that a State has submitted a plan or plan revision (or, in the Administrator's discretion, part thereof) that meets the minimum criteria established pursuant to paragraph (1), if applicable (or, if those criteria are not applicable, within 12 months of submission of the plan or revision), the Administrator shall act on the submission in accordance with paragraph (3).

(3) Full and partial approval and disapproval. In the case of any submittal on which the

Administrator is required to act under paragraph (2), the Administrator shall approve such submittal as a whole if it meets all of the applicable requirements of this Act. If a portion of the plan revision meets all the applicable requirements of this Act, the Administrator may approve the plan revision in part and disapprove the plan revision in part. The plan revision shall not be treated as meeting the requirements of this Act until the Administrator approves the entire plan revision as complying with the applicable requirements of this Act.

(4) Conditional approval. The Administrator may approve a plan revision based on a commitment of the State to adopt specific enforceable measures by a date certain, but not later than 1 year after the date of approval of the plan revision. Any such conditional approval shall be treated as a disapproval if the State fails to comply with such commitment.

(5) Calls for plan revisions. Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard, to mitigate adequately the interstate pollutant transport described in section 176A or section 184, or to otherwise comply with any requirement of this Act, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines (not to exceed 18 months after the date of such notice) for the submission of such plan revisions. Such findings and notice shall be public. Any finding under this paragraph shall, to the extent the Administrator deems appropriate, subject the State to the requirements of this Act to which the State was subject when it developed and submitted the plan for which such finding was made, except that the Administrator may adjust any dates applicable under such requirements as appropriate (except that the Administrator may not adjust any attainment date prescribed under part D, unless such date has elapsed).

(6) Corrections. Whenever the Administrator determines that the Administrator's action approving, disapproving, or promulgating any plan or plan revision (or part thereof), area designation, redesignation, classification, or reclassification was in error, the Administrator may in the same manner as the approval, disapproval, or promulgation revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and public.